

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

ORDER SETTING CONFERENCE

In accordance with Civ. L.R. 16-4, lead trial counsel who will try this case are directed to confer in advance of the Case Management/Status Conference with respect to all matters contained in the attached Proposed Joint Case Management Order and all other matters described in Rule 16(a), (b) and (c) and Civ. L.R. 16-8(b). Counsel shall complete the attached Order and file same not less than ten (10) days in advance of the Conference set for

_____ at 4:00 p.m. If additional space is needed, please attach a separate sheet. Plaintiff's counsel shall bear the responsibility for convening all counsel and completing and filing the Order.

Each party shall be represented at the Scheduling Conference by the lead counsel who will try the case and be prepared to discuss all matters referred to in the preceding paragraph. Counsel shall have authority to enter stipulations and make admissions regarding all matters described herein.

PLAINTIFF IS DIRECTED TO SERVE COPIES OF THIS ORDER AT ONCE UPON ALL PARTIES IN THIS ACTION AND UPON THOSE SUBSEQUENTLY JOINED IN ACCORDANCE WITH THE PROVISIONS OF RULES 4 AND 5, FEDERAL RULES OF CIVIL PROCEDURE AND CIV. L.R. 4 AND 5, and to file with the Clerk of the Court a Certificate reflecting such service.

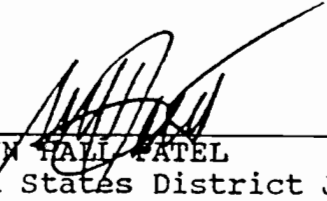
Revised 10/24/97

Counsels' appearance at the Scheduling Conference may be excused by leave of court (a phone request to the Courtroom Deputy is necessary) if this matter has been referred to Arbitration, in which case the attached order shall be filed and shall set forth the arbitration status of the case including the date scheduled for hearing, if any has been set, and the continuances which have been granted.

Case Management Conferences and other nondispositive matters may be heard by telephone, if all the parties agree and with approval of the court. Counsel should advise the Courtroom Deputy ten (10) days in advance of the scheduled hearing date of this preference.

MOTIONS TO DISMISS SHALL NOT BE FILED BEFORE THE INITIAL CASE MANAGEMENT CONFERENCE EXCEPT BY LEAVE OF COURT.

***FAILURE TO COMPLY WITH THIS ORDER or the provisions of Fed. R. Civ. P. 16 may be deemed sufficient grounds for dismissal of this cause, default or other appropriate sanctions. (See Rule 16(f)).



MARILYN HALL PATEL
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CASE NO.

JOINT CASE MANAGEMENT STATEMENT
AND PROPOSED ORDER

CASE MANAGEMENT CONFERENCE

DATE:

TIME:

Pursuant to this Court's Civil Local Rules ("Civ. L.R.") 16-7 and 16-8, the parties jointly submit this Case Management Statement and Proposed Order. Each party certifies that its lead trial counsel who will try this case met and conferred for the preparation of this Statement as required by Civ. L.R.16-4.

The parties make the following representations and recommendations:

1 **A. JOINT STATEMENT OF FACTS AND EVENTS UNDERLYING THE ACTION**

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B. PRINCIPAL ISSUES

1. The principal factual issues that the parties dispute are:

a.

b.

c.

2. The principal legal issues that the parties dispute are:

a.

b.

c.

3. The following issues as to service of process, personal jurisdiction, subject matter jurisdiction, or venue remain unresolved:

4. The following parties have not yet been served:

5. Any additional parties that a party intends to join are listed below:

<u>Party</u>	<u>Additional Parties</u>	<u>Deadline</u>
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6. Any additional claims that a party intends to add are listed below:

<u>Party</u>	<u>Additional Claims</u>	<u>Deadline</u>
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C. ALTERNATIVE DISPUTE RESOLUTION (Choose one of the following three options.)

☐ This case already has been assigned or the parties have agreed to use the following court sponsored or other ADR procedure (please list the provider if other than the court):

Date by which ADR session to be commenced: _____

Date by which ADR session to be completed: _____

☐ The parties have been unable to agree on an ADR procedure. The party[ies] listed below believes that the case is appropriate for the ADR procedure indicated:

☐ All parties share the view that no ADR procedure should be used in this case. The specific basis for that view is set forth below:

The parties make the following additional suggestions concerning settlement:

The Court hereby orders: _____

D. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE

Parties consent to a jury or court trial presided over by a magistrate judge ☐ yes

☐ no

The Court hereby refers this case for the following purposes to a magistrate judge:

E. DISCLOSURES

The parties certify that they have made the following disclosures:

1. Persons disclosed pursuant to Civ. L.R. 16-5:

a. Disclosed by _____

(1)

(2)

(3)

(4)

b. Disclosed by _____:

(1)

(2)

(3)

1 (4)

2 c. Disclosed by _____:

3 (1)

4 (2)

5 (3)

6 (4)

7 2. Categories of documents disclosed under Civ. L.R. 16-5 or produced through formal
8 discovery:

9 a. Categories of documents disclosed by _____:

10 (1)

11 (2)

12 (3)

13 (4)

14 b. Categories of documents disclosed by _____:

15 (1)

16 (2)

17 (3)

18 (4)

19 c. Categories of documents disclosed by _____:

20 (1)

21 (2)

22 (3)

23 (4)

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25 3. Each party who claims an entitlement to damages or an offset sets forth the following
26 preliminary computation of the damages or of the offset:
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4. All insurance policies as defined by Fed. R. Civ. P. 26(a)(1)(D) have been disclosed as follows:

<u>Party</u>	<u>Type of Policy and Policy No.</u>	<u>Policy Limits</u>
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5. The parties will disclose the following additional information by the date listed:

<u>Party</u>	<u>Disclosure</u>	<u>Deadline</u>
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6. Disclosures as required by Fed. R. Civ. P. 26(e) will be supplemented at the following intervals:

F. EARLY FILING OF MOTIONS

The following motions expected to have a significant effect either on the scope of discovery or other aspects of the litigation shall be heard by the date specified below:

<u>Moving Party</u>	<u>Nature of Motion</u>	<u>Hearing Date</u>
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G. DISCOVERY

1. The parties have conducted or have underway the following discovery:

1 2. The parties have negotiated the following discovery plan:
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10 3. Limitations on discovery tools in accordance with Civ. L. R. 30-1, 33-1 (specify
11 number):

12 a. depositions (excluding experts) by:

13 plaintiff(s): _____ defendant(s): _____

14 b. interrogatories served by:

15 plaintiff(s): _____ defendant(s): _____

16 c. document production requests served by:

17 plaintiff(s): _____ defendant(s): _____

18 d. requests for admission served by:

19 plaintiff(s): _____ defendant(s): _____

20 4. The parties agree to the following limitations on the subject matter of discovery:
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25 5. Discovery from experts. The parties plan to offer expert testimony as to the
26 following subject matter(s):
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6. The Court orders the following additional limitations on the subject matter of discovery: _____

7. Deadlines for disclosure of witnesses and completion of discovery:

a. disclosure of identities of all witnesses to be called in each party's case-in-chief:

plaintiff(s): _____

defendant(s): _____

b. completion of all discovery except from experts (see Civ. L.R. 26-5):

c. disclosure of identities, resumes, final reports and all other matters required by Fed. R. Civ. P. 26(a)(2):

plaintiff(s): _____

defendant(s): _____

d. completion of discovery from experts (see Civ. L.R. 26-5):

H. PRETRIAL AND TRIAL SCHEDULE

1. Trial date:

2. Anticipated length of trial (number of days):

3. Type of trial: jury court

4. Final pretrial conference date: _____

- 1 5. Date required for filing the joint pretrial conference statement and proposed pretrial
2 order required by Civ. L.R. 16-9(b), complying with the provisions of Civ. L.R. 16-
3 8(b)(7)-(10) and such other materials as may be required by the assigned judge:

4 _____
5 _____

- 6 6. Date for filing objections under Civ. L.R. 16-8(b)(11) (objections to exhibits or
7 testimony): _____

- 8 7. Deadline to hear motions directed to the merits of all or part of the case:

9 _____

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11 **NOTE:** Lead trial counsel who will try this case shall meet and confer at least 30 days prior to the
12 pretrial conference for the purposes of Civ. L.R. 16-9(a) which includes preparation of the joint
13 pretrial conference statement and all other materials required by § H.5 above. Lead trial counsel
14 shall also be present at the pretrial conference. (See Fed. R. Civ. P: 16(d).)

- 15 I. Date of next case management/status conference: _____

- 16 J. OTHER MATTERS

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20 K. **IDENTIFICATION AND SIGNATURE OF LEAD TRIAL COUNSEL**

21 Identify by name, address and phone number lead trial counsel for each party.
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1 The court finds that each party was represented by lead trial counsel responsible for trial of this
2 matter and was given an opportunity to be heard as to all matters encompassed by this Case
3 Management Statement and Proposed Order filed prior to this conference. The court adopts this
4 statement as modified and enters of this court pursuant to Civ. L.R. 16-8(b).

5 The foregoing joint statement as amended is adopted by this court as the Case Management
6 Order in this action in accordance with Civ. L.R. 16 and other applicable Local Rules, and shall govern
7 all further proceedings in this action.

8 IT IS SO ORDERED.

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11 Date:

12 Marilyn Hall Patel,
13 United States District Judge
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